

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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TRUSTEES OF THE LEATHER GOODS HANDBAGS,  
AND NOVELTY WORKERS' UNION LOCAL 1  
JOINT RETIREMENT FUND,

Plaintiffs,

- against-

**MEMORANDUM DECISION  
AND ORDER**

1:18-CV-7224 (AMD) (RER)

CENTRAL FUR STORAGE CO., *et al.*,

Defendants.

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**ANN M. DONNELLY, United States District Judge:**

On December 29, 2018, the plaintiffs commenced this civil action alleging violations of section 4301 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. § 1451. (ECF No. 1.) The plaintiffs seek statutorily prescribed damages including interest, liquidated damages, attorneys' fees and costs. (*Id.*) The defendants did not respond to the complaint. On January 29, 2019, the Clerk of Court entered a Certificate of Default against the defendants. (ECF No. 7.)

On March 27, 2019, the plaintiffs moved for a default judgment and I referred the motion to Magistrate Judge Ramon Reyes for a Report and Recommendation ("R&R"). On August 2, 2019, Judge Reyes issued a meticulously researched and well-reasoned R&R, recommending that I grant the plaintiffs' motion for default judgment against Central Fur, deny the motion against the fictitious defendants, XYZ Corporations 1-10 and John and Jane Does 1-10, and dismiss the claims against them without prejudice. (ECF No. 9.) Judge Reyes also recommended that the plaintiffs be awarded 1) \$6,935,952.80 in principal, 2) interest at a rate of 3% or \$ 570.0783132 per diem from January 27, 2017, to the entry of judgment, 3) liquidated

damages equal to the amount of interest, 4) \$9,009.38 in attorneys' fees, and 5) \$400 in costs.

(*Id.*) No objections have been filed to the R&R, and the time for doing so has passed. (*Id.*)

A district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). To accept those portions of the R&R to which no timely objection has been made, "a district court need only satisfy itself that there is no clear error on the face of the record." *Jarvis v. N. Am. Globex Fund L.P.*, 823 F. Supp. 2d 161, 163 (E.D.N.Y. 2011) (internal quotation marks omitted).

I have carefully reviewed Judge Reyes' thoughtful and cogent R&R, and find no error. Accordingly, I adopt the R&R in its entirety. The plaintiffs' motion is granted with respect to Central Fur and denied with respect to the fictitious defendants. The claims against the fictitious defendants are dismissed without prejudice. The Clerk of Court is respectfully directed to enter judgment as follows: the plaintiffs will be awarded 1) \$6,935,952.80 in principal, 2) interest at a rate of 3% or \$ 570.0783132 per diem from January 27, 2017, to the entry of judgment, 3) liquidated damages equal to the amount of interest, 4) \$9,009.38 in attorneys' fees, and 5) \$400 in costs.

**SO ORDERED.**

/s/ Ann M. Donnelly

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Ann M. Donnelly  
United States District Judge

Dated: Brooklyn, New York  
August 20, 2019